

A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, May 25, 2006

Item # 77

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Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION

Subject: Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the Austin City Code regarding mobile food establishments. (To be reviewed by Planning Commission on May 23, 2006.)

Additional Backup Material
(click to open)
D Staff Report

For More Information: Greg Guernsey, 974-2387.

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C2O-06-007

Description:

Conduct a public hearing and consider an ordinance amending Section 25-2 of the City Code to establish regulations related to mobile food establishments. The regulations address where mobile food establishments may be located and how they may operate.

Background:

This mobile food establishment amendment was initiated by the City Council on April 20, 2006 and sponsored by Council Member Raul Alvarez, Council Member Betty Dunkerley and Council Member Lee Leffingwell. A copy of a draft ordinance with suggested language was provided by Council Member Alvarez and addressed where a mobile food establishment can locate and exempts these establishments from being required to provide a site plan, revise a previously approved site plan or obtain a site plan exemption prior to the establishment of this use (see Attachment "A").

The purpose of this amendment is to clarify where and how a mobile food establishment may operate within the limited and full purpose jurisdiction of the City of Austin. Currently, a mobile food establishment is not provided for under the City's zoning regulations and is a prohibited use. After consultation with Council Member Alvarez, a draft mobile food establishment ordinance has been prepared and attached to this report as Attachment "B." The draft ordinance provides for a mobile food establishment as a temporary use that would be permitted on private property in all commercial and industrial zoning districts, if they meet the following requirements:

1. they must be licensed by the health authority;
2. must be at least 200 feet from a residential use;
3. may not operate between the hours of 3:00 a.m. and 6:00 a.m.;
4. may not be located within 300 feet of another mobile food establishment facility within the same block on the same side of the street;
5. may not use sound equipment (loud speakers, public address system, amplification system, etc.);
6. may not provide a seating area for customers; and
7. must provide support parking for at least four vehicles.

The ordinance also provides that a mobile vending use is an accessory use and not subject to the above requirements, if it is located on the same site as a restaurant (limited) or restaurant (general) use; and serves food provided by the restaurant (limited) or restaurant (general) use.

A temporary use does not require site plan approval, a revision to a previously approved site plan or a site plan exemption to operate; however, a temporary use does require an application that must include a diagram and a description of the use (See Section 25-2-992). A temporary use may continue for not more than one year and provides that an applicant must file a new application to continue a temporary use beyond that period.

Departmental Comments:

Staff recommends his amendment with the following changes:

- 1) A mobile food establishment use is only allowed in zoning districts where a restaurant (limited) or restaurant (general) use are permitted uses.
- 2) A mobile food establishment use must setback at least 100 feet from a restaurant (limited) or restaurant (general) land use that sells a similar food product.
- 3) No drive-in service (drive-up or drive-through window) is permitted as an accessory use with a mobile food establishment use.
- 4) All area lighting associated with a mobile food establishment use shall be hooded or shielded so that the light source is not directly visible from residential use.
- 5) All mechanical equipment associated with a mobile food establishment may not exceed 70 db at a residential property line.
- 6) All signs shall be secured and mounted flat against the exterior of the mobile food establishment use, and may not project more than six (6) inches from the exterior of the use. In addition, a mobile food establishment may not advertise an off-premise use.
- 7) During business hours, a public trash receptacle shall be provided by a mobile food establishment vendor.
- 8) The area adjacent to a mobile food establishment use shall be maintained litter free on a daily basis.
- 9) No permanent water or wastewater connections are permitted to a mobile food establishment.
- 10) Electrical service to a mobile food establishment is prohibited, except via a temporary electrical drop or an onboard electrical generator.

Other Board and Commission Action:

The Zoning and Platting Commission will consider this amendment at their regular meeting on June 6, 2006.

Staff Recommendation:

Staff recommends the Code amendment with the 10 changes described under Department comments above.

Planning Commission Action:

May 9, 2006: To grant the Staff requested postponement to May 23, 2006. (Vote: 8-0)

City Council Date and Action: May 25, 2006:

Ordinance Readings:

1st

2nd

3rd

Ordinance Number:

City Staff: Greg Guernsey

Phone: 974-2387

greg.guernsey@ci.austin.tx.us